

Chapter 735 ZONING -- OTHER DISTRICTS *

ARTICLE II. CENTRAL BUSINESS *

** Editor's note: This article consists of G.O. 57, 1994, adopted Apr. 25, 1994, as amended by G.O. 29, 1995, adopted Feb. 27, 1995; G.O. 173, 1996, adopted Nov. 25, 1996; G.O. 86, 1997, adopted June 9, 1997; G.O. 1, 1998, adopted Jan. 12, 1998; and G.O. 112, 1998, adopted Aug. 3, 1998. Future amendments will be indicated by parenthetical history notes following the sections amended.*

Sec. 735-200. Establishment of official zoning map; establishment of central business zoning districts.

(a) Establishment of the official zoning map.

- (1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.
- (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The Director of the Department of Metropolitan Development shall be the custodian of the official zoning map.
- (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
- (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

(b) Establishment of central business zoning districts. The following primary central business zoning districts for Metropolitan Indianapolis, Marion County, Indiana, are hereby established, and land within Indianapolis is hereby classified, divided and zoned into such districts as designated on the official zoning map:

Symbol	Central Business Zoning Districts
CBD-1	Central Business District One
CBD-2	Central Business District Two
CBD-3	Central Business District Three
CBD-S	CBD-Special Development District

(G.O. 31, 2001, § 6)

Sec. 735-201. Central business district regulations.

The following regulations shall apply to all land within the central business zoning districts. After the effective date of this article:

- (1) With the exception of legally established nonconforming uses, no land, building, structure, premises, or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this article.**
- (2) No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed, or relocated except in conformity with these regulations and for uses permitted by this article. Provided, however, legally**

established nonconforming uses may be reconstructed if damaged or partially destroyed by fire or other disaster when such damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the structures or facilities affected.

- (3) Prohibited uses.** Uses for which the following Special Use Districts are provided, under Article VII of this chapter (as last amended by Docket 94-AO-4) as in effect from time to time, shall not be permitted in any central business district created under this article:

SU-3	Golf course, golf driving range, golf country club - public or private
SU-8	Correctional and penal institution
SU-10	Cemetery
SU-13	Sanitary landfill
SU-18	Light and power substation
SU-23	Permanent gravel or sand processing plant, rock crushing, grinding or milling and stock piling
SU-28	Petroleum refinery and petroleum products storage
SU-39	Water tank, water pumping station and similar structures not located on buildings
SU-41	Sewage disposal plant; garbage feeding and disposal
SU-42	Gas utility
SU-43	Power transmission lines
SU-44	Off-track pari mutuel wagering facilities, licensed as satellite facilities under IC 4-31-5.5

- (4) Legal establishment of nonconforming uses** that were not legally initiated prior to April 8, 1969.

a. A nonconforming use in a district of this article (as adopted by the Metropolitan Development Commission under docket number 64-AO-1 (central business districts zoning ordinance), and 68-AO-7 (CBD-special development district)) shall be deemed to be legally established (relative to both use and development standards) if the use:

1. Existed prior to April 8, 1969; and
2. Has continued to exist from April 8, 1969, to the present;
3. Has not been abandoned; and
4. Of the entire building has not been vacant voluntarily for any period of three hundred sixty-five (365) consecutive days.

A certificate stating the use and development of a property are legally established under this section shall be available from the Administrator on the presentation of sufficient evidence. The rules of procedure of the Metropolitan Development Commission shall outline the procedure to be followed in order to obtain an official certificate.

b. Any construction, erection, conversion (including, but not limited, to the addition of dwelling units), enlargement, extension, reconstruction or relocation occurring after

the specific dates noted in a.1. above must have been done in conformity with these regulations and have been done for uses permitted by this article. Any such future activity shall not be permitted except in conformity with these regulations and for uses permitted by this article.

c. Subsection (4) above shall:

1. Have no effect upon the powers of the Consolidated City of Indianapolis, Marion County, or any unit or agency thereof, or the Health and Hospital Corporation of Marion County, Indiana, to enforce other public health and safety laws and ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance).
 2. Not relieve any property of the obligation to comply with conditions or commitments which lawfully apply to the property made in connection with any variance, rezoning, platting, or other zoning decision.
- (5) Compliance with Chapter 731, Article III of this Code. In compliance with IC-36-7-4-701, the Metropolitan Development Commission and city-county council have set forth the following zoning districts in which subdivision of land is required to comply with the provisions of Chapter 731, Article III of this Code: Any central business district, as noted in this article, which permits single-family or two-family dwellings. Specifically, the applicable districts are the CBD-2 (Central Business District Two), CBD-3 (Central Business District Three), and CBD-S (Central Business District Three) classifications, for single- or two-family dwelling development only. Condominium development shall not be regulated by Chapter 731, Article III of this Code, but shall be regulated per IC 32-1-6.
- (6) Wireless communication facility. In any central business district, a wireless communication facility (as defined in, and subject to the additional regulations of, Article IX of this chapter), is permitted.

Sec. 735-202. Central Business District One (CBD-1 regulations).

(a) Permitted CBD-1 uses. Permitted uses in the CBD-1 District shall conform to the regulations of section 735-201, the CBD-1 development standards of section 735-202(b) and the CBD-1 performance standards of section 735-202(c). The following uses shall be permitted in the CBD-1 District:

- (1) Accessory off-street parking within buildings, anywhere within the CBD-1, provided:
 - a. The gross floor area devoted to off-street parking, including access drives and maneuvering space, does not exceed twenty-five (25) percent of the total gross floor space of the building in which such off-street parking is located; and
 - b. Such off-street parking shall be incidental and accessory to the primary use or uses of the building in which such off-street parking is located.
- (2) Apartment hotels, hotels, motels.
- (3) Apartments.
- (4) Banks; savings and loan offices.
- (5) Business, professional and customer service offices.
- (6) Drive-in services (not including goods and food) shall be permitted in the CBD-1 District by special exception only upon grant of a special exception by the Metropolitan Board of Zoning Appeals as set forth in section 735-206. (Drive-in establishments offering goods or food to customers waiting in cars shall not be permitted.)
- (7) Off-street parking garages, and accessory uses and facilities therefor, provided the lot obtains access only from one (1) or more of the streets noted in section 735-202(b)(3). On lots obtaining access from any other street within the CBD-1 District (excepting Monument Circle), off-street parking garages shall be permitted by special exception only, upon grant of a special exception by the Metropolitan Board of Zoning Appeals as set forth in section 735-206.
- (8) Off-street parking lots. Provided, however, parking lots or other at- or near-grade open-to-the-air parking uses, commercial or private, shall be permitted only for a period not exceeding five (5) years in the area bounded by Talbott Street to the west, East Ohio Street to the north, North Delaware Street to the east, and East Washington Street to the south.
- (9) Offices, sales and display rooms for wholesalers, distributors, warehouses, and manufacturers' agents, including stock, accessory storage, or warehouse space, provided:
 - a. Such accessory stock, storage and warehouse space does not exceed seventy-five (75) percent of the total net floor area of the combined office, sales, display, and accessory storage and warehouse space used in the same building by the same firm or enterprise; and
 - b. In no case shall more than twenty-five (25) percent of the total net floor area in any single building be devoted to such accessory stock, storage and warehouse space.
(In the case of two (2) or more contiguous buildings under single ownership or lease, for purposes of a. and b. above, such contiguous buildings shall be considered as one (1) building).
- (10) Outdoor retail sales of beverages, flowers and food from carts on sidewalks and public areas, subject to the provisions of Chapter 961 of this Code.

- (11) Printing establishments.
- (12) Processing or manufacturing of goods by retailers and wholesalers, provided:
 - a. The net floor area occupied by such processing or manufacturing plus storage and warehouse space does not exceed seventy-five (75) percent of the total net floor area used in the same building by the same firm or enterprise; and
 - b. In no case shall more than twenty-five (25) percent of the total net floor area in any single building be devoted to such processing, manufacturing, storage and warehouse space.

(In the case of two (2) or more contiguous buildings under single ownership or lease, for purposes of a. and b. above, such contiguous building shall be considered as one (1) building.)
- (13) Public and semipublic structures, parks and open space.
- (14) Public utilities.
- (15) Retail sales and service establishments, provided, however, automobile service stations, repair garages, auto sales or service centers or car washes or other similar or comparable service to automotive vehicles or customers in such vehicles shall be prohibited in the CBD-1 District in an area bounded by Talbott Street to the west, East Ohio Street to the north, North Delaware Street to the east, and East Washington Street to the south.
- (16) Sales of beverages, flowers and food from a portion of the sidewalk abutting the same business premises, subject to the additional provisions of section 735-202(b)(1)b.
- (17) Theatres, auditoriums or indoor commercial amusement/recreation establishments (no adult entertainment business permitted).
- (18) Transportation facilities and accessory facilities therefor, including but not limited to, waiting rooms, loading docks, storage and associated commercial uses.

(b) CBD-1 development standards.

(1) Use.

- a. All sales, servicing, processing, manufacturing and storage shall be conducted within completely enclosed buildings, except that the display or sale of merchandise may be conducted on open space on the lot, if such open space is located within or is enclosed on three (3) or more sides by the outer dimensions of the building.
- b. Retail sales on sidewalks abutting a business.
 - 1. Retail sales of beverages, flowers and food may be carried out on a portion of the sidewalk abutting the same business premises provided:
 - (a) Regional center approval is obtained.
 - (b) Permission is secured from the appropriate governmental unit to use the right-of-way.
 - (c) A detailed site plan showing the use and location all furniture and equipment (including tables, barriers, chairs, signs, awnings, trash receptacles and umbrellas) on the portion of the sidewalk, the color and design of such furniture and equipment, and the movement of people on the portion of the sidewalk must be approved by the Administrator of the division of planning.

- c. Taverns, package liquor stores, night club establishments, and such establishments where alcoholic beverages may be carried out (except drug stores or grocery stores) shall:
 - 1. Provide adequate outdoor convenience trash containers; and
 - 2. Erect and maintain a decorative fence or wall along the perimeter of any outdoor seating area; and
 - 3. Not be located within one hundred (100) feet, measured in any direction, of a protected district. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the protected district except when such establishment is separated from such protected district by an intervening street (see section 735-207, Diagram A); and
 - 4. Not be located within five hundred (500) feet, measured in any direction, of any indoor commercial amusement/recreation establishment which caters to, or markets itself predominantly to, persons under twenty-one (21) years of age. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the property line of the subject indoor commercial amusement/recreation establishment.
- d. Any indoor commercial amusement/recreation establishment which caters to, or markets itself predominantly to, persons under twenty-one (21) years of age shall not be located within five hundred (500) feet, measured in any direction, of any tavern, package liquor store, night club establishment, or such establishment where alcoholic beverages may be carried out (except drug stores or grocery stores). The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the property line of the subject tavern, package liquor store, night club, or establishment where alcoholic beverages may be carried out.
- e. Trash containers exceeding six (6) cubic feet shall:
 - 1. Be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any protected district, nor shall it be viewed from any street frontage; and
 - 2. Be located behind the established front building line; and
 - 3. Not be located within a required yard or required transitional yard.

(2) Bulk control.

- a. Maximum lot coverage and minimum setback: One hundred (100) percent lot coverage shall be permitted, and no front, side or rear setbacks shall be required. Provided, however, if a rear or side setback is provided along any rear or side lot line not abutting an alley, such setback depth shall be not less than ten (10) feet.
- b. Height limitations - sky exposure plane: With the exceptions of signs, there shall be no height limitations in the CBD-1 District other than the following sky exposure plane controls, which shall apply to the erection, expansion and alteration of all buildings or other structures in the CBD-1 District.
 - 1. The Sky Exposure Plane One (as defined in section 735-207) shall be applied to all lots within the CBD-1 District abutting:

- | | |
|-----------------------|--------------------------|
| (a) New York Street | (h) Meridian Street |
| (b) Ohio Street | (i) Pennsylvania Street |
| (c) Market Street | (j) Delaware Street |
| (d) Washington Street | (k) Indiana Street |
| (e) Maryland Street | (l) Massachusetts Avenue |
| (f) Capitol Avenue | (m) Kentucky Avenue |
| (g) Illinois Street | (n) Virginia Avenue |

Provided, however, the Sky Exposure Plan Three (as defined in section 735-207) shall be applied to all lots abutting Monument Circle.

2. No part of any building or other structure on any lot shall penetrate the applicable sky exposure plane except as follows: A building or other structure may penetrate the Sky Exposure Plane One provided that the area of all architectural elevation facing the street, of all buildings and other structures on the lot (including those portions thereof violating the sky exposure plane) when projected back to the base of the sky exposure plane, establishes an area at the lot line not in excess of the total area of the lot frontage plane (an imaginary vertical plane, having a base coextensive with the front line and extending vertically to its termination at the intersection of the applicable sky exposure plane).

(3) Off-street parking.

- a. Parking garages. Off-street parking garages shall be subject to the following requirements:

Entrances and exits:

1. Vehicular entrances and exits to off-street parking garages shall be provided only on the following streets:

- (a) East New York Street; West New York Street.
- (b) East Maryland Street; West Maryland Street.
- (c) North Capitol Avenue; South Capitol Avenue.
- (d) North Delaware Street; South Delaware Street.
- (e) West Washington Street between Illinois Street and Capitol Avenue.
- (f) West Ohio between Illinois Street and Capitol Avenue.
- (g) North Pennsylvania Street between Ohio Street and New York Street; South Pennsylvania Street between Maryland Street and Washington Street.
- (h) North Illinois Street between Ohio Street and New York Street; South Illinois Street between Maryland Street and Washington Street.
- (i) Indiana, Massachusetts, Kentucky and Virginia Avenues.
- (j) East Washington Street between Pennsylvania Street and Delaware Street.

2. Off-street parking entrances or exits shall be located a minimum distance of twenty-five (25) feet from the nearest point of two (2) intersecting street right-of-way lines. Such access cuts shall further conform to all requirements of the traffic engineering departments having jurisdiction thereof.
3. Vehicular entrances and exits to off-street parking garages shall not be provided on any alley except for emergency purposes only.

b. Parking lots. Off-street parking lots shall be subject to the following requirements:

1. The parking area shall not be used for permanent storage or the display, advertisement, sale, repair, dismantling or wrecking of any vehicle, equipment or materials.
2. Parking areas shall be paved with concrete or improved with a compacted macadam base, and surfaced with an asphaltic pavement to adequately provide a durable and dust-free surface. Parking areas shall be maintained in good condition and free of weeds, dirt, trash and debris.
3. The surface shall be graded and drained in such a manner that there be no free flow of water onto either adjacent properties or sidewalks.
4. The parking area shall be provided with bumper guards or wheel guards so located that no part of the parked vehicles will extend beyond the boundary of the established parking area.
5. Lighting facilities used to illuminate the parking areas shall be so located, shielded and directed upon the parking area that they do not glare onto or interfere with street traffic, adjacent buildings, or adjacent uses.

(4) Off-street loading.

a. Location.

1. All off-street loading areas shall be located within two hundred (200) feet of the lot served.
2. Off-street loading facilities for separate lots may be provided collectively if:
 - (a) Such loading facilities are within two hundred (200) feet of all establishments served thereby; and
 - (b) The size of the collective loading area is determined (in accordance with e. below), by the sum of the total adjusted net floor area for all buildings served by such collective off-street loading facilities.
3. Each off-street loading area shall be located with direct vehicular access to an alley only, and in a manner which will least interfere with traffic movements and such that no vehicle or part thereof will protrude into an alley, street or public right-of-way.

b. Size of off-street loading space. An off-street loading space shall be at least five hundred (500) square feet in area, exclusive of maneuvering area.

c. Surfacing. All open off-street loading areas shall be paved with concrete, or improved with a compacted macadam base, and surfaced with an asphaltic surface which shall be maintained in good condition and free of weeds, dirt, trash and debris.

d. Repair and service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities, except for emergencies developing during occupation of such facilities.

e. Number of required off-street loading spaces.

1. The number of required off-street loading spaces is based upon the building total adjusted net floor area as defined in section 735-207.
2. Off-street loading spaces shall be provided in accordance with the following minimum requirements:

Total Adjusted Net Floor Area of Building (Square Feet)	No. of Loading Spaces Required
0--10,000	None
10,001--100,000	1
100,001--350,000	2
350,001--600,000	3
600,001--850,000	4
850,001--1,100,000	5

For each additional three hundred fifty thousand (350,000) square feet of net floor area over one million one hundred thousand (1,100,000) or fraction thereof, one (1) additional loading space shall be provided.

(5) Signs. Signs and sign structures shall comply with Chapter 734 of this Code.

(c) CBD-1 performance standards. All uses established or placed into operation after the effective date of this article shall comply with the following standards. No use in existence on the effective date of this article shall be so altered or modified as to conflict with these standards.

- (1) Vibration. No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.
- (2) Smoke, dust and particulate matter. Smoke, dust, particulate matter, or any other airborne material shall be subject to the standards and regulations of Chapter 511 of this Code, which is on file in the office of the Division of Planning, Department of Metropolitan Development of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof.
- (3) Noxious matter. No use shall discharge across the lot lines noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
- (4) Odor. No use shall emit across the lot lines odor in such quantities as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
- (5) Sound. No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat frequency, shrillness or vibration.
- (6) Heat and glare. No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
- (7) Waste matter. No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana, the Indiana State Board of Health, the Stream Pollution Control Board of the State of Indiana, and the Department of Public Works, or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

(G.O. 2, 2002, § 21)

Sec. 735-203. Central Business District Two regulations.

(a) **Permitted CBD-2 uses.** Permitted uses in the CBD-2 District shall conform to the regulations of section 735-201, the CBD-2 development standards of section 735-203(b) and the CBD-2 performance standards of section 735-203(c). The following uses shall be permitted in the CBD-2 District:

- (1) Attached multifamily dwellings, as defined in section 735-207.
- (2) Banks, savings and loan offices.
- (3) Business, professional and consumer service offices.
- (4) City market place.
- (5) Dwelling unit(s), as defined in section 735-207.
- (6) Hotel, motel.
- (7) Off-street parking garages.
- (8) Off-street parking lots, provided, however, parking lots or other at- or near-grade open-to-the-air parking uses, commercial or private, shall be permitted only for a period not exceeding five (5) years in the area bounded by: North Delaware Street on the west, lots fronting on the north side of East Ohio Street between Delaware and Ogden Streets on the north, lots fronting on Alabama Street between Ohio and Pearl Streets on the east, and Pearl Street on the south.
- (9) Off-street parking (accessory) within buildings.
- (10) Outdoor retail sales of beverages, flowers and food from carts on sidewalks and public areas, subject to the provisions of Chapter 961 of this Code.
- (11) Printing establishments.
- (12) Processing, repairing, or manufacturing goods by retailers and wholesalers, provided:
 - a. The net floor area occupied by such processing, repairing, or manufacturing plus storage and warehouse space does not exceed seventy-five (75) percent of the total net floor area used in the same building by the same firm or enterprise; and
 - b. In no case shall more than fifty (50) percent of the total net floor area in any single building be devoted to such processing, repairing, manufacturing, storage and warehouse space.

(In the case of two (2) or more contiguous buildings under single ownership or lease, for purposes of a. and b. above, such contiguous buildings shall be considered as one (1) building.)
- (13) Public and semipublic structures, parks and open space.
- (14) Public utilities.
- (15) Retail sales and service establishments, provided, however, automobile service stations, repair garages, auto sales or service centers or car washes or other similar or comparable service to automotive vehicles or customers in such vehicles shall be prohibited in the CBD-2 District in an area bounded by: North Delaware Street on the west, lots fronting on the north side of East Ohio Street between Delaware and Ogden Streets on the north, lots fronting on Alabama Street between Ohio and Pearl Streets on the east, and Pearl Street on the south.

- (16) Sales of beverages, flowers and food from a portion of the sidewalk abutting the same business premises, subject to the additional provisions of section 735-203(b)(1)c.
- (17) Theatres, auditoriums or indoor commercial amusement/recreation establishments (no adult entertainment business permitted).
- (18) Transportation facilities and accessory facilities therefor including but not limited to waiting rooms, loading docks, storage and associated commercial uses.
- (19) Wholesaling and warehousing establishments.

(b) CBD-2 development standards.

(1) Use.

- a. Outdoor display. Outdoor display, sales and service shall be permitted, provided:
 - 1. The outdoor display of goods or materials shall not include the storage or stockpiling of materials.
 - 2. All goods and materials shall be located within the lot, and not encroach upon any public right-of-way.
 - 3. The outdoor display of materials or goods shall not occupy an area greater than twenty-five (25) percent of the gross floor area of the main structure occupying the lot - except, however, outdoor display of motor vehicles shall be permitted (with or without a main structure occupying the lot), provided:
 - (a) The outdoor space is not utilized for the repair, dismantling or wrecking of any vehicle.
 - (b) No attention attracting devices, including but not limited to flags, pennants, flashing lights, etc., are used, except as provided for in Chapter 734 of this Code.
 - (c) All lighting facilities used to illuminate the outdoor space are located, shielded and directed upon the outdoor space in such a manner that they do not glare onto or interfere with street traffic, adjacent buildings or adjacent uses.
 - (d) All outdoor space used for the display of motor vehicles shall be paved with concrete or improved with a compacted macadam base, and surfaced with an asphaltic pavement to adequately provide a durable and dust-free surface.
 - (e) The outdoor space used for the display of motor vehicles shall be provided with bumper guards or wheel guards so located that no part of the displayed vehicles will extend beyond the boundary of the established display area.
 - 4. The outdoor display area shall be maintained in good condition and free of weeds, dirt, trash and debris.
- b. Outdoor sales and service.
 - 1. Outdoor sales may be conducted in association with outdoor displays.
 - 2. Outdoor sales and service to customers waiting in parked cars (drive-in services) shall be permitted provided:
 - (a) Service is not construed to mean manufacturing, processing, or repairing, dismantling, or wrecking of vehicles, machinery, equipment.

- (b) Outdoor space is not utilized for the rental, sale, or storage of motor vehicles or trailers.
 - (c) The area on which outdoor service is conducted shall be surfaced and maintained under the standards set forth in section 735-203(b)(3)b.(2), (3), (4), and (5).
- c. Retail sales on sidewalks abutting a business.
 - 1. Retail sales of beverages, flowers and food may be carried out on a portion of the sidewalk abutting the same business premises provided:
 - (a) Regional center approval is obtained.
 - (b) Permission is secured from the appropriate governmental unit to use the right-of-way.
 - (c) A detailed site plan showing the use and location of all furniture and equipment (including tables, barriers, chairs, signs, awnings, trash receptacles and umbrellas) on the portion of the sidewalk, the color and design of such furniture and equipment and the movement of people on the portion of the sidewalk is approved by the Administrator of the division of planning.
- d. Taverns, package liquor stores, night club establishments, and such establishments where alcoholic beverages may be carried out (except drug stores or grocery stores) shall:
 - 1. Provide adequate outdoor convenience trash containers; and
 - 2. Erect and maintain a decorative fence or wall along the perimeter of any outdoor seating area; and
 - 3. Not be located within one hundred (100) feet, measured in any direction, of a protected district. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the protected district except when such establishment is separated from such protected district by an intervening street (see section 735-207, Diagram A); and
 - 4. Not be located within five hundred (500) feet, measured in any direction, of any indoor commercial amusement/recreation establishment which caters to, or markets itself predominantly to, persons under twenty-one (21) years of age. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the property line of the subject indoor commercial amusement/recreation establishment.
- e. Any indoor commercial amusement/recreation establishment which caters to, or markets itself predominantly to, persons under twenty-one (21) years of age shall not be located within five hundred (500) feet, measured in any direction, of any tavern, package liquor store, night club establishment, or such establishment where alcoholic beverages may be carried out (except drug stores or grocery stores). The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the property line of the subject tavern, package liquor store, night club, or establishment where alcoholic beverages may be carried out.
- f. Trash containers exceeding six (6) cubic feet shall:

1. Be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any protected district, nor shall it be viewed from any street frontage; and
2. Be located behind the established front building line; and
3. Not be located within a required yard or required transitional yard.

(2) Bulk control.

- a. Maximum lot coverage and minimum setback. One hundred (100) percent lot coverage shall be permitted, and no front, side or rear setbacks shall be required. Provided, however, if a rear or side setback is provided along any rear or side lot line not abutting an alley, such setback depth shall be not less than ten (10) feet.
- b. Height limitations - sky exposure plane. With the exception of signs, there shall be no height limitations in the CBD-2 District other than the following sky exposure plane controls, which shall apply to the erection, expansion and alteration of all buildings or other structures in the CBD-2 District.
 1. The Sky Exposure Plane Two (as defined in section 735-207) shall be applied to all lots within the CBD-2 District. Except, however, the Sky Exposure Plane One (as defined in section 735-207) shall be applied to all lots within the CBD-2 District abutting:
 - (a) The north side of New York Street between Illinois Street and Capitol Avenue.
 - (b) The east side of Delaware Street between New York Street and Maryland Street.
 - (c) The south side of Maryland Street between Delaware Street and Capitol Avenue.
 - (d) The west side of Capitol Avenue between New York Street and Maryland Street.
 2. No part of any building or other structure on any lot shall penetrate the applicable sky exposure plane, except the following: A building or other structure may penetrate the Sky Exposure Plane One or Two provided that the area of all architectural elevation facing the street, of all buildings and other structures on the lot (including those portions thereof violating the sky exposure plane), when projected back to the base of the sky exposure plane establishes an area at the lot line not in excess of the total area of the lot frontage plane (an imaginary vertical plane, having a base coextensive with the front lot line and extending vertically to its termination at the intersection of the applicable sky exposure plane).

(3) Off-street parking.

- a. Off-street parking entrances or exits shall be located a minimum distance of twenty-five (25) feet from the nearest point of two (2) intersecting street right-of-way lines. Such access cuts shall further conform to all requirements of the traffic engineering department having jurisdiction thereof.
- b. Parking lots. Off-street parking lots shall be subject to the following requirements:
 1. The parking area shall not be used for permanent storage, or the display, advertisement, sale, repair, dismantling or wrecking of any vehicle, equipment or materials.

2. Parking areas shall be paved with concrete or improved with a compacted macadam base, and surfaced with an asphaltic pavement to adequately provide a durable and dust-free surface. Parking areas shall be maintained in good condition and free of weeds, dirt, trash and debris.
 3. The surface shall be graded and drained in such a manner that there will be no free flow of water onto either adjacent properties or sidewalks.
 4. The parking area shall be provided with bumper guards or wheel guards so located that no part of the parked vehicles will extend beyond the boundary of the established parking area.
 5. Lighting facilities used to illuminate the parking areas shall be so located, shielded and directed upon the parking area that they do not glare onto or interfere with street traffic, adjacent buildings, or adjacent uses.
- c. Required off-street parking. Off-street parking facilities shall be provided for all uses in the CBD-2 District except, however, all lots within the area known as the Mile Square, bounded by North Street, East Street, South Street, and West Street.
1. Number of required off-street parking spaces: One (1) parking space at least nine (9) feet in width and at least twenty (20) feet in length, exclusive of access drives, aisles, ramps, lanes, etc., shall be provided for each eight hundred (800) square feet of the building's total adjusted net floor area as defined in section 735-207.
 2. Location of required parking: All required off-street parking facilities shall be located either on the same lot as the use served or within four hundred (400) feet thereof.
 3. Collective facilities: Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided collectively is not less than the sum of the separate requirements for each such use, and provided that such parking facilities are within four hundred (400) feet of all such separate uses.

(4) Off-street loading.

- a. Location.
1. All loading areas shall be located within two hundred (200) feet of the lot served.
 2. Off-street loading facilities for separate lots may be provided collectively if:
 - (a) Such loading facilities are within two hundred (200) feet of all establishments served thereby; and
 - (b) The size of the collective loading area is determined (in accordance with e. below) by the sum of the total adjusted net floor area for all buildings served by such collective off-street loading facilities.
 3. Off-street loading areas may have direct access from any streets, except on the:

North side of New York Street between Delaware Street and Capitol Avenue;

South side of Maryland Street between Delaware Street and Capitol Avenue;

West side of Capitol Avenue between Maryland Street and New York Street;

East side of Delaware Street between Maryland Street and New York Street.

4. Each off-street loading area shall be located in a manner which will least interfere with traffic movements and such that no vehicle or part thereof will protrude into any alley, street or public right-of-way.
- b. Size of off-street loading space. An off-street loading space shall be at least five hundred (500) square feet in area, exclusive of maneuvering area.
- c. Surfacing. All open off-street loading areas shall be paved with concrete, or improved with a compacted macadam base, and surfaced with an asphaltic surface to adequately provide a durable and dust-free surface which shall be maintained in good condition and free of weeds, dirt, trash and debris.
- d. Repair and service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities, except for emergencies developing during occupation of such facilities.
- e. Number of required off-street loading spaces.
 1. The number of required off-street loading spaces is based upon the building total adjusted net floor area as defined in section 735-207.
 2. Off-street loading spaces shall be provided in accordance with the following minimum requirements:

Total Adjusted Net Floor Area of Building (Square Feet)	No. of Loading Spaces Required
0--10,000	None
10,001--100,000	1
100,001--350,000	2
350,001--600,000	3
600,001--850,000	4
850,001--1,100,000	5

For each additional three hundred fifty thousand (350,000) square feet of net floor area over one million one hundred thousand (1,100,000) square feet or fraction thereof, one (1) additional loading space shall be provided.

(5) Signs. Signs and sign structures shall comply with Chapter 734 of this Code.

(c) CBD-2 performance standards. The CBD-1 performance standards, section 735-202(c) shall apply to the CBD-2 District.

(G.O. 2, 2002, § 21)

Sec. 735-204. Central Business District Three (CBD-3) regulations.

(a) Permitted CBD-3 uses. Permitted uses in the CBD-3 District shall conform to the regulations of section 735-201, the CBD-3 development standards of section 735-204(b) and the CBD-3 performance standards of section 735-204(c). The following uses shall be permitted in the CBD-3 District:

- (1) Attached multifamily dwellings, as defined in section 735-207.
- (2) Banks, savings and loan offices.
- (3) Business, professional and consumer service offices.
- (4) Dwelling units, as defined in section 735-207.
- (5) Hotels, motels.
- (6) Off-street parking garage, parking lots, and accessory off- street parking within buildings, subject to the regulations of section 735-204(b)(3).
- (7) Offices, sales and display rooms for wholesalers, distributors, warehouses, manufacturers' agents, including stock, accessory storage, or warehouse space, provided:
 - a. Such accessory storage, stock and warehouse space does not exceed twenty-five (25) percent of the total net floor area of the combined office, sales, display, and accessory storage and warehouse space used in the same building by the same firm or enterprise; and
 - b. In no case shall more than twenty-five (25) percent of the total net floor area in any single building be devoted to such accessory stock, storage and warehouse space.
(In the case of two (2) or more contiguous buildings under single ownership or lease, for purposes of a. and b. above, such contiguous buildings shall be considered as one (1) building.)
- (8) Outdoor retail sales of beverages, flowers and food from carts on sidewalks and public areas, subject to the provisions of Chapter 961 of this Code.
- (9) Printing establishments.
- (10) Public utilities.
- (11) Retail sales and service establishments primarily for the convenience of residents or employees of this district, provided:
 - a. Such establishments (except for sales of beverages, flowers and food from carts) shall be located within buildings principally used for office, apartment, hotel or off-street parking uses; and
 - b. Such establishments shall include any of the following or similar uses of a like nature or character:

Bank, savings and loan office	Cleaners and laundry outlet
Bar*, cabaret*, night club*	Delicatessen
Barber shop	Drug store
Beauty shop	Florist
Book store	Gift shop
	Grocery store

Indoor commercial
amusement/recreational
establishment (no adult
entertainment business
permitted) **
Jewelry store
Laundromat

Men's and women's wear
Newsstand
Restaurant
Shoe repair shop
Stationery store
Ticket office

* Subject to section 735-204(b)(1)d.

** Subject to section 735-204(b)(1)e.

(12) Public and semi-public structures, parks, and open space.

(13) Sales of beverage, flowers and food from a portion of the sidewalk abutting the same business premises, subject to the additional provisions of section 735-204(b)(1)c.

(b) CBD-3 development standards.

(1) Use.

- a. All business and retail enterprise shall be conducted within completely enclosed buildings.
- b. Drive-in establishments offering goods, food or services to customers waiting in cars shall not be permitted.
- c. Retail sales on sidewalks abutting a business. Retail sales of beverages, flowers and food may be carried out on a portion of the sidewalk abutting the same business premises provided:
 1. Regional center approval is obtained.
 2. Permission is secured from the appropriate governmental unit to use the right-of-way.
 3. A detailed site plan showing the use and location of all furniture and equipment (including tables, barriers, chairs, signs, awnings, trash receptacles and umbrellas) on the portion of the sidewalk, the color and design of such furniture and equipment and the movement of people on the portion of the sidewalk is approved by the Administrator of the division of planning.
- d. Taverns, package liquor stores, night club establishments, and such establishments where alcoholic beverages may be carried out (except drug stores or grocery stores) shall:
 1. Provide adequate outdoor convenience trash containers; and
 2. Erect and maintain a decorative fence or wall along the perimeter of any outdoor seating area; and
 3. Not be located within one hundred (100) feet, measured in any direction, of a protected district. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the protected district except when such establishment is separated from such protected district by an intervening street (see section 735-207, Diagram A); and

4. Not be located within five hundred (500) feet, measured in any direction, of any indoor commercial amusement/recreation establishment which caters to, or markets itself predominantly to, persons under twenty-one (21) years of age. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the property line of the subject indoor commercial amusement/recreation establishment.
- e. Any indoor commercial amusement/recreation establishment which caters to, or markets itself predominantly to, persons under twenty-one (21) years of age shall not be located within five hundred (500) feet, measured in any direction, of any tavern, package liquor store, night club establishment, or such establishment where alcoholic beverages may be carried out (except drug stores or grocery stores). The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the property line of the subject tavern, package liquor store, night club, or establishment where alcoholic beverages may be carried out.
- f. Trash containers exceeding six (6) cubic feet shall:
 1. Be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any protected district, nor shall it be viewed from any street frontage; and
 2. Be located behind the established front building line; and
 3. Not be located within a required yard or required transitional yard.

(2) Bulk control.

- a. Maximum lot coverage and minimum setback. One hundred (100) percent lot coverage shall be permitted, and no front, side or rear setbacks shall be required. Provided, however, if a rear or side setback is provided along any rear or side lot line abutting an alley, such setback depth shall be not less than ten (10) feet.
- b. Height limitations. There shall be no height limitations or sky exposure plane controls in the CBD-3 District.

(3) Off-street parking.

- a. Parking garages and accessory parking within buildings.
 1. Off-street parking garage and accessory off-street parking facilities within buildings located on lots having frontage upon North Meridian Street or North Pennsylvania Street shall: Be developed as an integral part of an associated apartment, office, hotel or other permitted principal use structure, with no exterior evidence of the parking use perceptible on the Pennsylvania or Meridian Street frontage, except for ingress or egress from North Meridian or North Pennsylvania Streets.
 2. Off-street parking entrances or exits shall be located a minimum distance of twenty-five (25) feet from the nearest point of two (2) intersecting street right-of-way lines. Such access cuts shall further conform to all requirements of the traffic engineering departments having jurisdiction thereof.
- b. Parking lots.

1. The off-street parking requirements and regulations of the CBD-2 District (section 735-201(b)(3)a. and b.) shall apply to the CBD-3 District.
2. No open parking shall be permitted on any lot having frontage upon North Meridian Street or North Pennsylvania Street, except where there is an intervening structure of at least one (1) story between the entire open parking area of such lot and North Meridian Street or North Pennsylvania Street.

(4) Off-street loading. The requirements and regulations of the CBD-2 District (section 735-203(b)(4)) shall apply to the CBD-3 District, except: Off-street loading areas may have direct access from any streets, except:

North Meridian Street;

North Pennsylvania Street; and

The north side of East and West New York Street.

(5) Signs. Signs and sign structures shall comply with Chapter 734 of this Code.

(c) CBD-3 performance standards. The CBD-1 performance standards, section 735-202(c) shall apply to the CBD-3 District.

(G.O. 2, 2002, § 21)

Sec. 735-205. CBD-Special Development Zoning District.

(a) Permitted uses. Permitted uses in the CBD-S District shall conform to the regulations of section 735-201, the development standards of section 735-205(b) and the performance standards of section 735-204(c). Subject to the provisions of this section, any appropriate planned land use, complex or combination of land uses as designated and specified in the amending petition or ordinance zoning land to the CBD Special Development District may be permitted. By example, the following uses may be appropriate in the CBD-S District:

- (1) Attached multifamily dwellings, as defined in section 735-207.
- (2) Commercial office-multifamily residential complex, or other planned complex, which may include business, professional and consumer service offices, retail sales and service uses, or other appropriate uses and accessory facilities.
- (3) Hotels, motels.
- (4) Office-commercial-industrial research and development park or complex.
- (5) Off-street parking garage, parking lots, and accessory off-street parking within buildings.
- (6) Public and semipublic structures and uses, parks and open spaces, including, but not limited to, museums, auditoriums, theatres, amphitheaters, exhibition halls or exhibition spaces, zoos, civic centers, libraries, governmental office complex, greenways, and recreational uses such as sports stadia, marinas, and similar uses.
- (7) Restaurant.

All land use within the CBD-S District shall be limited to the use or uses specified in the applicable rezoning petition or ordinance redistricting and zoning the particular land to the CBD-S District.

A site and development plan for a proposed district shall be filed with the zoning petition and approved by the Metropolitan Development Commission. The Commission may approve, amend or disapprove the plan or any amended plan and may impose any reasonable conditions upon its approval. If such plan submitted is a preliminary rather than final plan, the Commission's approval shall be conditioned upon the approval, by the Administrator of the Division of Planning, Department of Metropolitan Development, of a final site and development plan, in total or in phases. Such final plan approval by the Administrator shall be conditioned upon the Administrator's finding that the final plan is consistent and in substantial conformity with the preliminary plan, as approved by the Metropolitan Development Commission. If the Administrator does not so find, the applicant may appeal the Administrator's decision to the Metropolitan Development Commission, and the Commission shall determine, after hearing, whether the Administrator's decision should be sustained.

(b) Development standards. The following regulations shall apply to all land within the CBD-S District: All district uses shall:

- (1) Be so planned, designed, constructed and maintained as to create a superior land development, in conformity with the Comprehensive Plan of Marion County, Indiana;
- (2) Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the district and with adjacent uses;
- (3) Provide sufficient and well-designed access, parking and loading areas;
- (4) Provide traffic control and street plan integration with existing and planned public streets and interior access roads;
- (5) Provide adequately for sanitation, drainage and public utilities; and

- (6) Allocate adequate area for all uses proposed, the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan for Marion County, Indiana.

(c) Performance standards. The CBD-1 performance standards, section 735-202(c) shall apply to the CBD-S District.

(G.O. 2, 2002, § 21)

Sec. 735-206. Special exceptions.

(a) Special exceptions.

- (1) Special exceptions granted by Metropolitan Board of Zoning Appeals. The Metropolitan Board of Zoning Appeals of Marion County, Indiana, is hereby authorized to grant special exceptions to the central business districts standard terms, regulations and requirements, as specified in this article.
 - a. Such special exceptions shall be granted (following application filed with the secretary of such Board by the landowner petitioner, notice to owners of adjoining parcels of land and public hearing by such Board - all in accordance with the rules of procedure of the Metropolitan Board of Zoning Appeals) only upon the Metropolitan Board's determination that:
 1. The grant will not be injurious to the public health, safety, convenience or general welfare.
 2. The grant will not injure or adversely affect the adjacent area or property values therein.
 3. The grant will be in harmony with the character of the district and land use authorized therein.
 - b. The grant of such special exception shall be conditioned upon the following requirements:
 1. The proposed use shall conform to all performance standards of the applicable central business district.
 2. The proposed use shall conform to all development standards of the applicable central business district, except as specifically modified by the grant of special exception.
 3. The proposed use shall conform to all other applicable requirements of this article and all restrictions and conditions attached to the grant of special exception by such Board (in case of conflict, the more restrictive standards or requirements are to control). All restrictions or conditions attached to the grant of any special exception by the Metropolitan Board of Zoning Appeals shall be limited by standards (1), (2) and (3) of paragraph a. above, and shall be imposed by such Board to ensure compliance with such standards.

Sec. 735-207. Definitions.

The following definitions shall be applied for purposes of this article:

Alley. A public way, the right-of-way of which is less than thirty-five (35) feet in width.

Adult entertainment business. An adult bookstore, adult motion picture theatre, adult mini motion picture theatre, adult motion picture arcade, adult cabaret, adult drive-in theatre, adult live entertainment arcade or adult services establishment (all as defined in Chapter 731, Article III of this Code).

Amusement arcade. A type of indoor commercial amusement/recreation establishment where more than four (4) amusement machines are available to the public.

Amusement machine. An amusement device operated by means of the insertion of a coin, token, or similar object for the purpose of entertainment, amusement or skill and for the playing of which a fee is charged. "Amusement machine" does not include vending machines which do not incorporate gaming amusement or skill features, nor does the term include any coin-operated mechanical musical device.

Attached multifamily dwellings. A building or buildings for residential purposes with three (3) or more dwelling units, having common or party wall or walls, on a single lot. Each unit is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common or individual stairwell(s) exterior to any dwelling unit(s).

Commercial amusement/recreation establishment, indoor. A facility wholly enclosed in a building that offers entertainment or games of skill to the general public for a fee. This includes but is not limited to such facilities as bowling alleys, billiard parlors, dance halls, sports facilities or amusement arcades.

Dwelling unit. One (1) or more rooms connected together in a residential building or residential portion of a building, which are arranged, designed, used and intended for use by one (1) or more human beings living together as a family and maintaining a common household for owner occupancy or rental or lease on a weekly, monthly, or longer basis; and which includes lawful cooking, eating, sleeping space and sanitary facilities reserved solely for the occupants thereof.

Family. One (1) or more human beings related by blood, marriage, adoption, or guardianship together with incidental domestic servants and temporary, noncompensating guests; or not more than four (4) human beings not so related, occupying a dwelling unit and living as a single housekeeping unit.

Grocery store. A commercial establishment, commonly known as a supermarket or food store, primarily engaged in the retail sale of canned foods and dry goods, such as tea, coffee, spices, sugar, and flour; fresh fruits and vegetables; and fresh and prepared meats, fish and poultry.

Liquor store, package. A facility principally for the retail sale of alcoholic beverages for off-premises consumption.

Lot. Any area of land designated as a lot on a platted subdivision or described on a duly recorded deed or parcel of land or site which is occupied, or intended for occupancy, by one (1) principal use.

Net floor area. The sum of the gross horizontal areas of the one (1) or several floors and basements of the building or portions thereof devoted to permitted uses, not including, however: floor areas devoted primarily to storage purposes; floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or floor area used for toilets, rostrums, utilities, lounges, elevator shafts, main corridors and stair wells, or cafeterias for the use of employees

only. Provided, however, for the purposes of determining off-street loading requirements, net floor area shall include floor area devoted primarily to storage purposes, but shall otherwise be defined as above.

Night club. An establishment engaged primarily in offering entertainment to the general public, in the form of music for dancing or live or recorded performances. The establishment may or may not engage in the preparation and retail sale of alcoholic beverages for consumption on the premises. For the purposes of this article, an establishment of a similar nature which caters to, or markets itself predominantly to, persons under twenty-one (21) years of age shall not be construed to be a night club, but rather an indoor commercial amusement/recreation establishment.

Protected district. Specific classes of zoning districts which, because of their low intensity or the sensitive land uses permitted by them, require additional buffering and separation when abutted by certain more intense classifications of land use. A protected district shall include any dwelling district, hospital district, parks district, university quarter district, SU-1 (church) district or SU-2 (school) district.

Public area. Land owned or controlled by a governmental unit for public use, including but not limited to sidewalks, plazas and parks.

Signs. Any structure, fixture, placard, announcement, declaration, device, demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services or any interests.

Sky exposure plane. An imaginary sloping surface, consisting of three (3) types, rising over designated lots in the CBD-1 and CBD-2, as specified in sections 735-202(b)(2) and 735-203(b)(2) for purposes of limiting height of building, signs and other structures.

(1) Sign Exposure Plane One.

- a. On each street in the CBD-1 designated in section 735-202(b)(2)b.1. (excepting Monument Circle) and in the CBD-2 designated in section 735-203(b)(2)b.1., the Sky Exposure Plane One shall have a base which is coincident with the center line of each such street; and
- b. At the base has an elevation equal to the average elevations above mean sea level of the street center line from the intersection of one (1) street center to the intersection of the next; and
- c. Is inclined at an angle of seventy-eight (78) degrees measured from the horizontal; and
- d. Extends to a vertical elevation of three hundred (300) feet above the base; and
- e. Then continues vertically at an angle of ninety (90) degrees measured from the horizontal; and
- f. Extends to a vertical elevation, above the base, equal to infinity.

(2) Sky Exposure Plane Two.

- a. On all streets in the CBD-2 (excepting those street specifically designated in section 735-203(b)(2)a.), the Sky Exposure Plane Two shall have a base which is coincident with the center line of each such street; and
- b. At the base has an elevation equal to the average elevation above mean sea level of the street center line from the intersection of one (1) street center line to the intersection of the next; and
- c. Is inclined at an angle of sixty (60) degrees measured from the horizontal; and
- d. Extends to a vertical elevation of two hundred (200) feet above the base; and

- e. Then continues vertically at an angle of ninety (90) degrees measured from the horizontal; and
- f. Extends to a vertical elevation, above the base, equal to infinity.

(3) Sky Exposure Plane Three.

- a. In the case of all lots abutting Monument Circle, in the CBD-1, as designated in section 735-202(b)(2)b.1., the Sky Exposure Plane Three shall have a base which is coincident with the center line of the street; and
- b. At the base has an elevation equal to the average elevation above mean sea level of the street center line from the intersection of one (1) street center line to the intersection of the next; and
- c. Is inclined at an angle of sixty-seven and one-half (67.5) degrees measured from the horizontal; and
- d. Extends to a vertical elevation of one hundred eight (108) feet above the base; and
- e. Then continues at an angle of seventy-four (74) degrees measured from the horizontal; and
- f. Extends to a vertical elevation of one hundred fifty (150) feet above the base; and
- g. Then continues horizontally at an angle of zero (0) degrees measured from the horizontal; and
- h. Extends to the alleys known as Wabash, Scioto, Bird and Court Streets.

Street. A public way, the right-of-way of which is at least thirty-five (35) feet in width.

Tavern. An establishment used primarily for the serving of liquor by the drink to the general public, but where minors cannot be within the use, and where food or packaged liquors may be served or sold only as accessory to the primary use.

Total adjusted net floor area.

(1) For determining required off-street loading.

- a. To determine total adjusted net floor area:
 - 1. Total the net floor area devoted to each use within the building.
 - 2. Multiply the total net floor area for each use by the loading floor area factor for such use, as specified in b. below.
 - 3. Add the results of 2. above - this is the total adjusted net floor area.
- b. Loading floor area factors:
 - 1. Retail sales and services - 2.0.
 - 2. Business, professional and consumer service, hotels and motor hotels - 1.0.
 - 3. Manufacturing and wholesale (exclusive of office, sales and display area) - 2.5.
 - 4. Residential and apartment hotels - 0.5.

(2) For determining off-street parking.

- a. To determine total adjusted net floor area:
 - 1. Total the net floor area devoted to each use within the building.
 - 2. Multiply the total net floor area for each use by the parking floor area factor for such use, as specified in b. below.

3. Add the results of 2. above - this is the total adjusted net floor area.
- b. Parking floor area factors:
 1. Retail sales and services - 2.0.
 2. Residential and apartment hotels - 1.0.
 3. Manufacturing - 3.0.
 4. Hotel and motor hotels - 3.0.
 5. Business, professional and consumer service, and wholesale - 1.0.

Sec. 735-208. Severability.

If any provision of this article shall be held invalid, its invalidity shall not affect any other provisions of this article that can be given effect without the invalid provision, and for this purpose the provisions of this article are hereby declared to be severable.